

# AUSTIN CITY COUNCIL AGENDA

**THURSDAY, JANUARY 26, 2006, THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST  
2ND STREET, AUSTIN, TEXAS.**

AUSTIN CITY CLERK  
POSTING DATE/TIME

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FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.**

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**WILL WYNN, MAYOR ♦ DANNY THOMAS, MAYOR PRO TEM  
LEE LEFFINGWELL ♦ RAUL ALVAREZ ♦ JENNIFER KIM ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN**

**NOTICE OF REGULAR MEETING  
THURSDAY, JANUARY 26, 2006**

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**9:55 A.M. Invocation**

Pastor Stephen Teal, Northwest Baptist Church

**10:00 A.M. City Council Convenes**

**THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, JANUARY 26, 2006, IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, AUSTIN, TEXAS.**

**The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.**

### **READING AND ACTION ON CONSENT AGENDA**

### **ACTION ON THE FOLLOWING:**

**ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

### **Meeting Minutes**

1. Approval of the minutes from the meeting of January 12, 2006.

### **Austin Energy**

2. Authorize negotiation and execution of a contract for reimbursement of costs to WALTON STACY OFFICE PARTNERS IV., L.P., Austin, TX, for the purchase and installation of heat exchanger(s), associated piping and modifications to existing building air conditioning equipment needed to interconnect the existing building at 515 Congress to the Austin Energy downtown district cooling system in an amount not to exceed \$528,000, and for window tinting for this building in an amount not to exceed \$142,000, for a total contract amount not to exceed \$670,000. (Funding in the amount of \$528,000 is available in the Fiscal Year 2005-2006 Capital Improvement Budget and \$142,000 is available in the Fiscal Year 2005-2006 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Electric Utility Commission on November 21, 2005.)

3. Approve the issuance of a Letter of Intent and a rebate in the amount of \$57,524 to TRAMMEL CROW RESIDENTIAL, Austin, TX, for the installation of high-efficient air conditioners at their Alexan Onion Creek Apartments. (Funding in the amount of \$57,524 is available in the Fiscal Year 2005-2006 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission.)
4. Approve the issuance of a Letter of Intent and a rebate in the amount of \$52,414 to TRAMMEL CROW RESIDENTIAL, Austin, TX, for the installation of high-efficient air conditioners at their Talavera Apartment Community. (Funding in the amount of \$52,414 is available in the 2005-2006 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission.)

#### **Austin Water Utility**

5. Authorize the City Manager to negotiate and execute an agreement with Northtown Municipal Utility District (District) and NWC Howard & I-35, Ltd., through NWC Howard & I-35 GP, LLC, (Developer) to allow the City to provide permanent retail water and wastewater service to a portion of the District and to allow the District to provide interim retail water and wastewater to certain areas outside of the District's boundary. The District, approximately 1,224 acres, is located northeast of the City of Austin, Travis County and is generally bounded by the I-35 East Service Road to its west and Howard Lane to its south, and abuts portions of Dessau Road along its eastern boundary. (Recommended by the Water and Wastewater Commission.)
6. Approve Service Extension Request No. 2446 for water service not to exceed a peak hour flow of 2 gallons per minute (gpm) for a tract of approximately 2.6 acres owned by ZIPPITY HOMES, INC., located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 10604 Foundation Drive. (Recommended by the Water and Wastewater Commission.) (Related Item 7)
7. Approve Service Extension Request No. 2447 for wastewater service not to exceed a peak wet weather flow of 2 gallons per minute (gpm) for a tract of approximately 2.6 acres owned by ZIPPITY HOMES, INC., located within Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 10604 Foundation Drive. (Recommended by the Water and Wastewater Commission.) (Related Item 6)

**Financial and Administrative Services - Communications and Technology Management**

8. Approve an ordinance changing the street name of Tootertat Drive to Boyds Way. (The processing fee of \$750 dollars has been determined for three street sign locations, one on the corner of Manchaca Road and Tootertat Drive, and one at each of the intersections of Gerald Allen Loop and Tootertat Drive.)
9. Approve the negotiation and execution of an interlocal agreement between the City and the CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) for the purpose of acquiring new aerial photography and other Geographic Information Systems (GIS) related data through the existing contract between CAPCO and Sanborn Mapping, Inc., in an amount not to exceed \$400,000. (Funding in the amount of \$400,000 is available in the Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management Office.)

**Health and Human Services**

10. Approve an ordinance authorizing acceptance of \$177,622 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), TITLE V AND HEALTH RESOURCES DEVELOPMENT OFFICE, Austin, TX; and amending the Fiscal Year 2005-2006 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$177,622 total grant funds for the improvement maternal and child health status in Austin and Travis County, and authorize the creation of four full-time equivalent grant positions. (Funding in the amount of \$177,622 is available from the Texas Department of State Health Services, Title V and Health Resources Development Office. The grant period is January 1, 2006 through August 31, 2006. No City match is required.)

11. Authorize execution of Amendment #2 to the 12-month contracts with CARITAS OF AUSTIN, Austin, TX, to provide basic needs services, in the amount of \$167,890, for a total contract of \$353,023, with five renewal options in an amount not to exceed \$353,023 per renewal option, for a combined total cost to the City not to exceed \$2,118,138; MEALS ON WHEELS AND MORE, INC., Austin, TX, to provide basic needs services, in the amount of \$62,282, for a total contract of \$222,557, with five renewal options in an amount not to exceed \$222,557 per renewal option, for a combined total cost to the City not to exceed \$1,335,342; and TRAVIS COUNTY SEXUAL ASSAULT AND DOMESTIC VIOLENCE SURVIVAL CENTER (SAFEPLACE), Austin, TX, to provide basic needs services to victims of violence/abuse/neglect, in the amount of \$309,000, for a total contract of \$604,316, with five renewal options in an amount not to exceed \$604,316 per renewal option, for a combined total cost to the City not to exceed \$3,625,896. (Funding in the amount of \$884,922 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Health and Human Services Department. The contract period is January 1, 2006, through December 31, 2006. Funding for the renewal options is contingent upon available funding in future budgets.)
12. Authorize negotiation and execution of an Interlocal Cooperation Agreement between the City and Austin Independent School District (AISD), Austin, TX, to provide funding for four programs for amounts not to exceed: Community Education, \$252,350; Victory Tutorial Program, \$211,056; After School Enrichment, \$627,931; and Mendez Middle School Extended Day Program, \$95,000, for a total aggregate contract amount not to exceed \$1,186,337, with four renewal options in the same amount per program, not to exceed \$1,186,337 per renewal option for all four programs, for total agreement amount not to exceed \$5,931,685. (Funding in the amount of \$1,186,337 is included in the Fiscal Year 2005-2006 Approved Operating Budget for the Health and Human Services Department for Community Education, Victory Tutorial, After School Enrichment and the Mendez Middle School Extended Day Program. The contract period for the Interlocal Agreement is October 1, 2005 through September 30, 2006. Funding for renewal options is contingent on available funding in future budgets.)
13. Authorize execution of a 12-month contract with the COUNCIL ON AT-RISK YOUTH (CARY), Austin, TX, for youth training and counseling services, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$150,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget for the Health and Human Services Department. The contract period will be October 1, 2005 through September 30, 2006.)

**Law**

14. Approve an amendment to the legal services agreement with RENEA HICKS in *Travis County et al. v. Rick Perry, et al.*, Cause No. 05-254, in the United States Supreme Court in an amount not to exceed \$23,500, for a total contract amount not to exceed \$81,000. (concerns congressional redistricting) (Funding in the amount of \$23,500 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Development Fund.) (Related Item 54)
15. Authorize execution and execution of an amendment to a legal service agreement with HUGHES & LUCE, L.L.P., Austin, TX, relating to negotiation of the terms of the sale of Block 21, generally located at 2nd Street, Lavaca Street, 3rd Street, and Guadalupe, in an amount not to exceed \$150,000, for a total contract amount not to exceed \$250,000. (Funding in the amount of \$150,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Economic Growth and Redevelopment Services Office.) (Related Item 56)
16. Authorize negotiation and execution of an amendment to the legal service contract with THOMPSON & KNIGHT, L.L.P., Austin, TX regarding various real estate matters, including but not limited to transactions related to Computer Service Corporation (CSC), the Second Street Retail Project, in an amount not to exceed \$50,000, for a total contract amount not to exceed \$665,000. (Funding in the amount of \$50,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Development Fund.) (Related Item 57)

**Neighborhood Housing and Community Development**

17. Approve the negotiation and execution of a loan to Angie's Mexican Restaurant, Inc., Austin, TX, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$190,000 to construct a restaurant to be located at the 1305 and 1307 East 7th Street in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals. (Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108.)

**Neighborhood Planning and Zoning**

18. Approve second/third readings of an ordinance to annex the Scarbrough Subdivision Area for the limited purposes of planning and zoning (Approximately 46 acres in Travis County west of the intersection of North IH-35 and Three Points Drive between Bratton Lane and North IH-35.) (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 19)
19. Approve second/third readings of an ordinance adopting a regulatory plan for the Scarbrough Subdivision Area, which is being annexed for the limited purposes of planning and zoning. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 18)

**Public Works**

20. Approve a resolution to authorize the fee simple acquisition a wastewater easement comprised of 5,458 square feet of land, temporary working space easement comprised of 7,274 square feet of land, and a temporary staging area and material storage site easement comprised of 3,227 square feet of land out of a portion of the Isaac Decker League, a portion of Block 2B of the Swisher Addition, Travis County, Texas, 409 West Monroe Street, from Ann Swingler and Jack M. Swingler, Jr., in the amount not to exceed \$93,271 for the Austin Clean Water Program: Govalle 1-Newton Street Area Wastewater Improvement Project. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
21. Approve a resolution authorizing the filing of eminent domain proceedings for the Northeast Area Regional Wastewater Treatment Plant Site to acquire fee simple title (exclusive of subsurface oil, gas, sulfur, and water rights) to 101.460 acres of land out of the John Burleson Survey Number 33, Abstract No. 5, Travis County, Texas, in the amount of \$523,272. The acquisition is necessary for the City to construct and operate a wastewater treatment plant on the property. The owner of the property is HORNSBY LAND PARTNERS, L.P. The property is located along the west line of Taylor Lane just north of Decker Lake Road and FM 969, Travis County, TX. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)



22. Approve a resolution authorizing the filing of eminent domain proceedings for the Northeast Area Regional Wastewater Treatment Plant Site to acquire fee simple title (exclusive of subsurface oil, gas, sulfur, and water rights) to 230.664 acres of land out of the John Burleson Survey Number 33, Abstract No. 5, and out of the Oliver Buckman Survey Number 40, Abstract Number 60, Travis County, in the amount of \$2,221,123. The acquisition is necessary for the City to construct and operate a wastewater treatment plant on the property. The owner of the property is GREEN COMMUNITY DEVELOPMENT, L.P. The property is located along the west line of Taylor Lane just north of Decker Lake Road and FM 969 and the east side of FM 973 just north of Bloor Road, Travis County, TX. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
23. Authorize negotiation and execution of an amendment to the professional services agreement with PARSONS WATER & INFRASTRUCTURE, INC., Austin, TX, for engineering services for the final design and bid phase for the Downtown Wastewater Tunnel project, in the amount of \$4,200,000 for a total contract amount not to exceed \$4,753,198.53. (Funding in the amount of \$4,200,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) 17.1% MBE and 17.6% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)
24. Authorize negotiation and execution of an amendment to the professional services agreement with ESPEY CONSULTANTS, INC., Austin, TX, for engineering services for the Slaughter Lane Pump Station Expansion in the amount of \$105,034 for a total contract amount not to exceed \$1,380,927. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 22.9% MBE and 32.9% WBE subconsultant participation to date. (Recommended by the Water and Wastewater Commission.)
25. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC., (MBE/MH 86.65%), Austin, TX, for ADA Sidewalk and Ramp Improvements 2006 City Wide Group 4 in the amount of \$2,491,472.75 plus a \$249,147.28 contingency, for a total contract amount not to exceed \$2,740,620.03. (Funding in the amount of \$2,740,620.03 is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Public Works Department.) Lowest bid of three received. 8.26% MBE and 5.09% WBE subcontractor participation.

26. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY INC., Austin, TX, for Austin Clean Water Program: Little Walnut/Little Emily Way Wastewater Improvements Project in an amount not to exceed \$343,983. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest bid of six received. 14.54% MBE and 4.51% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
27. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP., (MBE/MH 43.79%), Austin, TX, for Group 12 BGA Street Reconstruction and Utility Adjustments in the amount of \$4,086,289.55 plus a \$204,314.48 contingency, for a total contract amount not to exceed \$4,290,604.03. (Funding in the amount of \$2,150,548.84 is available in the Fiscal Year 2005-2006 Amended Capital Budget of the Public Works Department and funding in the amount of \$2,140,055.19 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 48.5 % MBE and 6.2 % WBE subcontractor participation. (Related Items 28, 29)
28. Authorize negotiation and execution of a Utility Adjustment Agreement and two Reservation of Rights Agreements with SBC TEXAS (SBC), to allow the City to secure funds from SBC in the amount of \$154,192.50, including a construction contingency amount of \$7,342, to incorporate the construction of SBC infrastructure adjustments into the City's construction contract for the Group 12 Street Reconstruction and Utility Adjustment Project. (Funding in the amount of \$154,192.50, including a construction contingency amount of \$7,342.00, will be secured from SBC to amend the Public Works Department Fiscal Year 2005-2006 Capital Budget.) (Related Items 27, 29)
29. Approve an ordinance amending the Fiscal Year 2005-2006 Public Works Department Capital Budget of Ordinance No. 20050912-002 to appropriate \$154,192.50 received from SBC TEXAS (SBC) to fund the re-location of SBC infrastructure at the City's Group 12 Street Reconstruction Project site. (Funding in the amount of \$154,192.50 is available from a Utility Adjustment Agreement and two Reservation of Rights Agreements with SBC Texas.) (Related Items 27, 28)
30. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the Texas Department of Transportation to provide funds received from SPG Arbor Walk, LP, a Texas limited partnership, for construction of an auxiliary turn lane on Loop 1 Northbound Frontage Road. (Funding in the amount of \$363,270.40 has been provided by SPG Arbor Walk, LP, to be deposited into an escrow account for this project.) (Related Item 31)

31. Approve a resolution authorizing negotiation and execution of a contract with SPG ARBOR WALK, LP, a Texas limited partnership, to receive funds from this company and apply them towards construction of an auxiliary turn lane on Loop 1 Northbound Frontage Road. (Funding in the amount of \$373,771.34 has been provided by SPG Arbor Walk, LP to be deposited into an escrow account for this project.) (Related Item 30)

**Purchasing**

32. Authorize execution of a contract with POWELL ELECTRICAL SYSTEMS, INC., Houston, TX for the purchase of two 38kV switchgear in the amount not to exceed \$1,252,676. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) Only bidder meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
33. Authorize execution of a 12-month supply agreement with HYUNDAI CORP. (USA) c/o HI-VOLT SALES, New Braunfels, TX for power transformers in the amount not to exceed \$3,034,480, with three 12-month extension options in an amount not to exceed \$2,559,121 for the first extension option; \$9,939,052 for the second extension option; and \$4,552,946 for the third extension period, for a total agreement amount not to exceed \$20,085,599. (Funding in the amount of \$3,034,480 is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon approval of future budgets.) Lowest evaluated bid of nine bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

34. Authorize execution of a 12-month supply agreement with MUNICIPAL WATER WORKS SUPPLY, L.P., Austin, TX, for the purchase of ductile iron pipe and PVC water pipe in an amount not to exceed \$264,276.40, with two 12-month extension options in the amount not to exceed \$264,276.40 per extension option, for a total agreement amount not to exceed \$792,829.20. (Funding in the amount of \$176,184.32 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Water Utility. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
35. Authorize the ratification of an emergency purchase with BENITEZ CONSTRUCTION INC., Manor, TX, (MBE/MH), for the repair of a section of 15-inch diameter concrete wastewater main in an amount not to exceed \$47,250.00 (Funding is available in the Fiscal Year 2005-2006 Approved Wastewater Improvement Funds.) Emergency Purchase
36. Authorize negotiation and execution of a 10-year service agreement with GENE BAGWELL dba INTERCARE CORPORATION, San Marcos, TX, for operation and maintenance of City cemeteries in an estimated amount not to exceed \$651,230, with two 5-year extension options in an amount not to exceed \$325,615 per extension option, for a total agreement amount not to exceed \$1,302,460. (Funding in the amount of \$65,123 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining nine years of the original contract period and extension options is contingent upon available funding in future budgets.) Only proposal received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

37. Authorize execution of a 12-month supply agreement with NORTH AMERICAN VIDEO, INC. Brick, NJ for security system hardware in an amount not to exceed \$176,733, with two 12-month extension options in an amount not to exceed \$176,733 per extension option, for a total agreement amount not to exceed \$530,199. (Funding in the amount of \$132,549.75 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Department of Aviation. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Approved by Airport Advisory Commission)
38. Authorize execution of a contract through the State of Texas Multiple Awards Schedule (TXMAS) with BAGLEY'S FLOOR SERVICES LTD, San Antonio, TX, for the purchase and installation of carpet tile at the Chavez Health Clinic for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$50,736.86. (Funding is included in the Fiscal Year 2005-2006 Approved Capital Improvement Project Budget of the Community Care Services Department .) Cooperative Purchase.
39. Authorize negotiation and execution of Amendment No. 2 to the contract with MOTOROLA INC., Austin TX, for maintenance and support services for the Motorola Trunked Regional Radio System (RRS) to include network monitoring services in an amount not to exceed \$95,000, and to increase the three remaining extension options in an amount not to exceed \$114,000 per extension option, for a revised total contract amount not to exceed \$10,412,603. (Funding in the amount of \$95,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Communications and Technology Budget for the Wireless Communications Services Division. Funding for the increased costs of future maintenance options is contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

40. Authorize execution of a 60-month lease/purchase agreement with STRYKER, Portage, MI, for powered ambulance stretchers for the Emergency Medical Services Department in an amount not to exceed \$787,554. (Funding in the amount of \$83,590.60 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining 53 months of the lease is contingent upon available funding in future budgets.) Only responsive bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
41. Authorize execution of a contract with AIR CLEANING TECHNOLOGIES, INC., Broken Arrow, OK, for the purchase and installation of eight vehicle emissions exhaust systems for the Emergency Medical Services Department, in an amount not to exceed \$142,172. (Funding is available in the Fiscal Year 2005-2006 Capital Improvement Project (CIP) budget of the Emergency Medical Services Department.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this purchase.
42. Authorize execution of a personal services contract with FOUNDATION COMMUNITIES, Austin, TX, for support of community tax centers during the 2006 tax season, in an amount not to exceed \$50,000. (Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Economic Growth and Redevelopment Services Office.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
43. Authorize execution of a contract through the State of Texas Multiple Award Schedule (TXMAS) with INTERTECH FLOORING, Austin, TX, for the purchase and installation of flooring at the Cameron Road Campus for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$82,159.83. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Improvement Project Fund of the Finance and Administrative Services Department, Building Services Division.) Cooperative purchase.

44. Authorize negotiation and execution of a 12-month service agreement with JI SPECIALTY SERVICES, INC., Austin, TX for third party administration of the City's Workers' Compensation Program in an amount not to exceed \$1,454,344, with three 12-month extension options in an amount not to exceed \$1,500,313 for the first extension option, \$1,548,118 for the second extension option, and \$1,597,835 for the third extension option, for a total agreement amount not to exceed \$6,100,610. (Funding in the amount of \$848,368 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Human Resources Department, Workers' Compensation Fund. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of five proposals received. 10.8% MBE and 2.7% WBE Subcontractor Participation.
45. Authorize negotiation and execution of a contract with DIANA MCIVER AND ASSOCIATES, INC., Austin, TX, to conduct studies to identify strategies to achieve housing affordability goals for Urban Commuter Rail Stations and Bus Rapid Transit Stations in an amount not to exceed \$66,135. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Neighborhood Planning and Zoning Department.) Best proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (The TOD Ordinance and TOD Resolution were reviewed by the Urban Transportation Commission, Design Commission, Planning Commission, and the Zoning and Platting Commission.)
46. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with MUSCO SPORTS LIGHTING LLC, Muscatine, IA, for the purchase and installation of ball field lighting and scoreboards in an amount to exceed \$226,380. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget for the Parks and Recreation Department.) Cooperative Purchase.
47. Authorize execution of a 12-month service contract with MASTEC OF NORTH AMERICA, INC., Austin, TX for traffic signal installation and services in an amount not to exceed \$1,606,821.26, with two 12-month extension options in an amount not to exceed \$1,606,821.26 per extension option, for a total contract not to exceed \$4,820,463.78. (Funding in the amount of \$1,606,821.26 is available in the Fiscal Year 2005-2006 Amended Capital Budget for the Public Works Department. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. 19.35% MBE and 5.91% WBE subcontractor participation.

**ITEMS FROM COUNCIL**

48. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.
49. Approve an ordinance waiving certain rental and facility use fees in the Fiscal Year 2005-2006 Fee Schedule of Ordinance No. 050912-04 for use of the McBeth Recreation Center for the Saraswati celebration of the Central Texas Bengali to be held on February 4, 2006. (Council Member Jennifer Kim, Mayor Will Wynn and Council Member Betty Dunkerley)
50. Approve an ordinance establishing criteria and procedures to expedite the naming or renaming of certain parks and facilities in or near East Austin as authorized by Sections 14-1-33 and 14-1-34 of the City Code and waiving certain requirements related to the renaming of streets and plazas as authorized by Chapter 14-5 of the City Code. (Council Member Raul Alvarez and Mayor Will Wynn)
51. Approve a resolution initiating changes to Chapter 25 of the Code regarding floor-to-area ratios, maximum height limitations, or other modifications to single family uses to ensure that development is compatible with existing neighborhoods. (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
52. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the Code for the Freescale Austin Marathon to be held on Sunday, February 19, 2006. (Mayor Will Wynn and Council Member Jennifer Kim)

**Item(s) to Set Public Hearing(s)**

53. Set a public hearing to consider amendments to Section 25-1-46(D) of the City Code to place cases within Transit-Oriented Development (TOD) districts under the purview of the Planning Commission, and to Section 25-2-766.04(A) and Chapter 25-2, Appendix D of the City Code to establish an Oak Hill TOD District. (Suggested date and time: March 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.)



**12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL**

CarolAnneRose Kennedy - Letter to Osama

Katherine Mersiozsky - City of Austin Long Term Disability Policy

Pastor Mark Weaver - Current ordinances on sexually oriented businesses and the ineffectiveness of the provisions

Rick Perkins - Oak Hill Neighborhood Planning

Mike Alexander - "Help! Running Truck Ordinance

Jennifer Gale - Why is the Austin Park Police with the same knowledge & responsibility making up to 1/3 less of the Austin Police Officer's pay?

Bruce Perrin - AMD & Oak Hill

Tarry Damrau - We Welcome AMD to Oak Hill

Ken Thornton - Oak Hill and AMD

Pat Johnson - TBA

**EXECUTIVE SESSION (No Public Discussion On These Items)****Private Consultation with Attorney - Section 551.071**

54. Discuss legal issues in *Travis County, et al. v. Rick Perry, et al.*, Cause No. 05-254, in the United States Supreme Court, and the outside legal contract with Renea Hicks. (concerns congressional redistricting) (Related Item 14)
55. Discuss legal issues related to the duties and composition of the Board of Adjustment.
56. Discuss legal issues relating to the terms of the sale of Block 21, generally located at 2<sup>nd</sup> Street, Lavaca Street, 3<sup>rd</sup> Street, and Guadalupe, and the legal service agreement with Hughes & Luce, L.L.P. (Related Item 15)

57. Discuss legal issues regarding various real estate matters, including but not limited to transactions related to Computer Service Corporation (CSC), the Second Street Retail Project, and an outside service contract with Thompson & Knight, L.L.P. (Related Item 16)
58. Discuss legal issues regarding expansion of the Ullrich Water Treatment Plant and the associated contract with Archer Western Contractors, Ltd., and discuss a legal services agreement with Scott Douglas and McConnico, in connection with project resolution and potential litigation.

#### **Real Property - Section 551.072**

59. Discuss acquisition and use of property for Austin Water Utility water treatment facilities.

#### **4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS**

##### **Zoning Ordinances / Restrictive Covenants**

60. NPA-05-0016.02 - East 5<sup>th</sup> & Allen Street - Approve second/third readings of an ordinance to amend Ordinance No. 030327-12 (Govalle/Johnston Terrace Combined Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan to change the Future Land Use Map from commercial land use designation to mixed use designation for the property located at 3304 East 5<sup>th</sup> Street. First reading approved on December 1, 2005. Vote: 6-0 (McCracken off the dais). Applicant: Saldana Homes. Agent: Rose Marie Rocha. City Staff: Scott Whiteman, 974-2865. (Related Item 61)
61. C14-05-0123 - East 5<sup>th</sup> & Allen Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3304 East 5<sup>th</sup> Street (Boggy Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0 (McCracken off the dais). Applicant and Agent: Teresa Saldana. City Staff: Robert Heil, 974-2330. (Related Item 60)

62. C14-04-0206 - Parke Corners Section 1 and the Parke Recreation Area, Phase A - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7400 R.M. 620 North and 11620 Bullick Hollow Road (Lake Travis Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on December 15, 2005. Vote: 7-0. Applicant: Parke Properties I, L.P. ( Fred Purcell), GDF Realty Investment, LTD. (R. James George). Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.
63. C14-05-0172 - Colina Vista - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9716 F.M. 2222 (West Bull Creek Watershed) from limited office (LO) district zoning and community commercial (GR) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0, Council Member McCracken off the dais. Applicant: 2222 Research Park, Ltd. (Tim Jamail). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Sherri Sirwaitis, 974-3057.
64. C14H-04-0015 - Gregg House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2700 E. 12<sup>th</sup> Street from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. First reading approved on December 2, 2004. Vote: 7-0. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454.
65. C14H-04-0020 - James and Mary Owens House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1809 East 13<sup>th</sup> Street from general commercial services-neighborhood plan (CS-NP) district zoning to general commercial services-historic-neighborhood plan (CS-H-NP) combining district zoning. First reading approved on December 2, 2004. Vote: 7-0. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454.

66. C14-05-0137 - 1109 South Lamar - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 South Lamar (Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant and agent: Bobbie Lemmond. City Staff: Robert Heil, 974-2330.

**Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances / Restrictive Covenants**

- Z- 1 C14-05-0169 - Scarbrough Business Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as North Interstate Highway-35 and Bratton Lane (Gilleland Creek Watershed) from interim-rural residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to limited industrial services (LI) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited industrial services (LI) district zoning with conditions. Applicant: LIT Industrial Limited Partnership (Jeanna Camp). Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Hausmann). City Staff: Sherri Sirwaitis, 974-3057.
- Z- 2 C14-05-0168 - KB Sheldon 230 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7900 Thaxton Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: FC Properties One, Ltd. (William A. McDonald). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
- Z- 3 C14-05-0111.06 - Trinity Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3000 Montopolis Drive (Country Club Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Planning Commission Recommendation: To grant general commercial services (CS) district zoning. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

- Z- 4            C14-05-0149 - Bradfield Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 Northland Drive and 5701 Highland Hills Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning and neighborhood office (NO) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Applicant: Robert Heisman. Agent: William Faust. City Staff: Jorge E. Rousselin, 974-2975.
- Z- 5            C14-00-2062(RCA)(2) - Martens Zoning - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 807 East 11<sup>th</sup> Street (Waller Creek Watershed). Planning Commission Recommendation: To be considered on December 13, 2005. Applicant: Steven Martens. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-6)
- Z- 6            C14-00-2062(RCA)(3) - AMJRH Zoning - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 811 East 9<sup>th</sup> Street and 808-818 East 8<sup>th</sup> Street (Waller Creek Watershed). Planning Commission Recommendation: To be considered on December 13, 2005. Applicant: AMJRH Investments Ltd. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-5)
- Z- 7            C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant and Property Owner: Schuler Family Trust 1998 (John Schuler) Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

- Z- 8            C14-05-0112.01 - East Riverside/Oltorf Neighborhood Plan - Tract 15 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1902-1912 E. Riverside Drive (Country Club Creek Watershed) from commercial-liquor sales (CS-1) district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: R.H. Daugherty. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
- Z- 9            C14-05-0112.02 - East Riverside/Oltorf Neighborhood Plan, Tract 30 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2410 E. Riverside Drive (Country Club Creek Watershed) from general commercial services (CS) district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Robert W. Trautmann. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 9742330.
- Z- 10           C14-05-0112.03 - East Riverside/Oltorf Neighborhood Plan, Tract 31 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2410 E. Riverside Drive (Country Club Creek Watershed) from commercial-liquor sales (CS-1) district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial (GR) district zoning. Robert W. Trautmann. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
- Z- 11           C14-05-0112.04 - East Riverside/Oltorf Neighborhood Plan, Tract 46 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1605 E. Riverside Drive (Country Club Creek Watershed) from general commercial services (CS) district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Michael J. Sullivan. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

- Z- 12      C14-05-0113.03 - East Riverside/Oltorf Neighborhood Plan, Tracts 304 & 305 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5602, 5604, 5700 E. Riverside Drive (Country Club Creek Watershed) from family residence (SF-3) district zoning to single-family residence-large lot (SF-1) district zoning and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant single-family residence-large lot (SF-1) district zoning (Tract 304) and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning (Tract 305). Applicant: Larry and Robin Yount. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2303.
- Z- 13      NPA-05-0016.01 - 7<sup>th</sup> & Gunter - Conduct a public hearing and approve an ordinance amending Ordinance 030327-12 (Govalle/Johnston Terrace Combined Neighborhood Plan) an element of the Austin Tomorrow Comprehensive Plan to change the future land use map from commercial land use designation to mixed use designation for the property located at 704 Gunter Street (Boggy Creek Watershed). Planning Commission Recommendation: To grant mixed use designation. Applicant and Agent: Teresa Saldana. City Staff: Scott Whiteman, 974-6054. (Related Item Z-14)
- Z- 14      C14-05-0122 - 7<sup>th</sup> & Gunter - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 704 Gunter Street (Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant and Agent: Teresa Saldana. City Staff: Robert Heil, 974-2330. Note: A valid petition has been filed in opposition to this rezoning request. (Related Item Z-13)
- Z- 15      C14-05-0085 - POWERS 20 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11520 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Frank Alattar/Fred Powers. Agent: Fred Powers. City Staff: Jorge E. Rousselin, 974-2975.

**5:30 P.M. LIVE MUSIC AND PROCLAMATIONS****LIVE MUSIC**

Ruthie Foster

**PROCLAMATIONS**

Distinguished Service Award - Sybil Vosler - to be presented by Mayor Will Wynn and to be accepted by the honoree

Distinguished Service Award - EMS Commander Clancy Terrill - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Distinguished Service Award - James "Tink" Hill - to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation - Poverty Month - to be presented by Council Member Lee Leffingwell and to be accepted by Susan Eason

**6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION****Watershed Protection and Development Review**

67. Conduct a public hearing to consider an ordinance amending Sections 25-8-2(D)(7)(a) and 25-8-2 (D) (10) (a) of the City Code to provide more consistency in nomenclature in describing the watersheds within each regulated area. (Approved by the Code & Ordinances Subcommittee and Environmental Board.)
68. Conduct a public hearing on an appeal by applicant Tumbleweed Investment Joint Venture of the Zoning and Platting Commission's denial of applicant's extension requests for a site plan; Rancho La Valencia, SP-01-0356D, located at 9512 FM 2222. (The Zoning and Platting Commission denied appeal and denied three-year extension.)



69. Conduct a public hearing and adopt a non-substantive ordinance amending Chapter 25-8 of the City Code to clarify application of water quality and impervious cover regulations to single family or duplex residential lots. (The Environmental Board recommended approval of the amendments on December 14, 2005. The Planning Commission Codes and Ordinances Subcommittee reviewed the ordinance on December 20, 2005, and the Planning Commission recommended approval on January 10, 2006.)

**ADJOURN**

**THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.**

**A person may request a Spanish language interpreter be made available by contacting the City Clerk's Office at 974-2210 no later than three hours before the scheduled time of the item on which the person wishes to speak at the council meeting.**

**Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal al 974-2210 a no más tardar de tres horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar en la sesión del Consejo.**

Council Meetings

January 12, 2006  
January 26, 2006

February 2, 2006  
February 9, 2006  
February 16, 2006

March 2, 2006  
March 9, 2006  
March 23, 2006

April 6, 2006  
April 20, 2006  
April 27, 2006

May 4, 2006  
May 18, 2006  
May 25, 2006

June 8, 2006  
June 22, 2006

July 27, 2006

August 10, 2006  
August 24, 2006  
August 31, 2006

September 11,12,13  
(Budget Readings)  
September 28, 2006

October 5, 2006  
October 19, 2006  
October 26, 2006

November 2, 2006  
November 16, 2006  
November 30, 2006

December 7, 2006  
December 14, 2006

Cancelled Meetings

January 5, 2006  
January 19, 2006

February 23, 2006

March 16, 2006  
March 30, 2006

April 13, 2006

May 11, 2006

June 1, 2006  
June 15, 2006  
June 29, 2006

July 6, 2006  
July 13, 2006  
July 20, 2006

August 3, 2006  
August 17, 2006

September 7, 2006  
September 14, 2006  
September 21, 2006

October 12, 2006

November 9, 2006  
November 23, 2006

December 21, 2006  
December 28, 2006